

WEDNESDAY, JUNE 19, 1985

FIFTY-FIFTH LEGISLATIVE DAY

The House met at 12:00 o'clock noon and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Jonas Taylor, Silver Springs Baptist Church, Mt. Juliet, Tennessee.

Representative Bell led the House in the Pledge of Allegiance to the Flag.

The roll was taken with the following results:

Present 94

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

The Speaker announced that Representative Dana Moore was excused because of a previous commitment.

The Speaker announced that Representative Pruitt was excused because of illness.

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The Speaker announced that Representative Ruth Robinson was excused because of the National Dairy Board Meeting.

REPORTS OF STANDING COMMITTEES

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bill No. 616.

BRAGG, Chairman.

Under the rules, House Bill No. 616 was transmitted to the Committee on Calendar and Rules.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: House Bill No. 1136(with amendment).

MURPHY, Chairman.

Under the rules, House Bill No. 1136 was transmitted to the Committee on Calendar and Rules.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, June 19, 1985: House Bills Nos. 616 and 1136.

GILL, Chairman.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution No. 280; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Joint Resolution No. 280.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

1115--To amend 1985 Appropriations Act;

1116--To regulate inmate classification; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

197--Relative to honoring Jean Callis; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

409--Relative to congratulating St. George Greek Orthodox Church;

410--Relative to commending Colonel Philip J. Conran;

411--Relative to honoring Dr. W. C. Crowder;

412--Relative to honoring Mt. Nebo Missionary Baptist Church;

413--Relative to congratulating Kimberly Fay Payne;

414--Relative to congratulating General Charles "Joe" Gebhardt;

415--Relative to congratulating Don Curry and Patti Gibson;

416--Relative to honoring Anthony Peter Cappiello;

417--Relative to memory, John Cecil Holt;

418--Relative to commending Frances Lucinda Todd;

419--Relative to commending Sue Parks;

420--Relative to honoring Homer G. Moss;

421--Relative to commending Dr. L. Quentin Lane;

422--Relative to commending Colonel Roy R. Willis;

423--Relative to honoring Herman Anthony Powell;

424--Relative to congratulating Reverend Charles E. Winfrey, Sr.;

425--Relative to honoring Edward L. Graves; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

198--Relative to honoring Union Planters Bank;

199--Relative to appreciation, Wilma Waterman;

200--Relative to appreciation, James A. Massey;

201--Relative to congratulating Dr. Charles R. Moffett;

202--Relative to designating "Buy America" month; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 1137--To amend the 1985 Appropriations Act.

On motion, House Bill No. 1137 was made to conform with Senate Bill No. 1115.

On motion, Senate Bill No. 1115, on same subject, was substituted for House Bill No. 1137.

Mr. Bragg moved that Senate Bill No. 1115 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill,

Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 616--To require health care entities report certain data.

On motion, House Bill No. 616 was made to conform with Senate Bill No. 763.

On motion, Senate Bill No. 763, on same subject, was substituted for House Bill No. 616.

Mr. McNally moved that Senate Bill No. 763 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

Mr. Murphy moved that action on House Bill No. 1136, (Senate Bill No. 1116) be placed under today's Unfinished Business, which motion prevailed.

CONSENT CALENDAR

House Bill No. 125--To empower Benton County, terminate certain hospital.

On motion, House Bill No. 125 was made to conform with Senate Bill No. 320.

On motion, Senate Bill No. 320, on same subject, was substituted for House Bill No. 125.

Mr. Gill moved that the Senate Bill on the Consent Calendar be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.

648--To regulate fees charged by Registers of Deeds.

The Senate Adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONFERENCE COMMITTEE REPORT ON

SENATE BILL NO. 648

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill 648(House Bill 701) has met and recommends that the following Senate amendments be deleted: 1 and 2 and the following House amendments be deleted: 1, 2, 4 and 5.

The committee further recommends that the following amendment be adopted:

by deleting all of the language of the bill following the enacting clause and by substituting instead the following:

SECTION 1. Subsection (a) of Section 8-21-1001, Tennessee Code Annotated, is amended by deleting from Subdivision (5) the figure "\$3.00" and substituting instead the figure "\$4.00", by deleting from Subdivision (6) the figure "\$6.00" and substituting instead the figure "\$8.00", by deleting from Subdivision (8) the figures "\$3.00" and substituting instead the figure "\$4.00", and by deleting from Subdivision (10) the figure "\$2.00" and substituting instead the figure "\$3.00".

SECTION 2. Subsection (a) of Section 8-21-1001, Tennessee Code Annotated, is amended by deleting subdivision (7) and substituting instead the following two subdivisions and renumbering accordingly:

(7) For the first assignment of any instrument on a page, page size not to exceed 8 1/2' x 14'....\$8.00

(8) For each additional assignment of any instrument on a page, page size not to exceed 8 1/2' x 14'....\$2.00

SECTION 3. The provisions of this act shall not apply in any county of the first class as defined by Tennessee Code Annotated, Section 8-24-101.

SECTION 4. The provisions of this act shall not apply in any county of the second class as defined by Tennessee Code Annotated, Section 8-24-101.

SECTION 5. The provisions of this act shall not apply in any county having a population of not less than 143,900 nor more than 144,000 according to the 1980 federal census or any subsequent federal census.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

SENATE MEMBERS:

Lowel Thomas

HOUSE MEMBERS:

J.K. Davis

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James K. Kyle

Shelby Rhinehart

Carl Moore

I.V. Hillis

Tommy Burks

David Shirley

J.B. Shockley

Mr. Rhinehart moved that the Report of the Conference Committee on Senate Bill No. 648 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	87
Noes	4
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Huskey, Stafford, Swann and Tankersley--4.

Representative present and not voting was: Chiles--1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

Mr. Webb moved that House Bill No. 304 be taken off notice and lie over on the clerk's desk, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 860--To make certain provisions, county election commissions.

SENATE AMENDMENT NO. 7

Amend House Bill No. 860 by deleting Section 2 in its entirety and substituting in lieu thereof the following:

SECTION 2. Tennessee Code Annotated, Section 2-12-109, is

amended by deleting the existing section and substituting the following:

"(a) In counties which have a registrar-at-large certified under Section 2-11-202(18)(b), the salary of the registrar-at-large and any other election commission employees, hired under Section 2-12-201, TCA shall be paid out of state funds upon the certification of the chairperson and secretary of the county election commission except as otherwise expressly provided. Such county election commissions shall submit an annual budget to the state election coordinator for expenses payable out of state funds. Said budget request shall be on forms approved by the Secretary of State and supplied by the coordinator of elections and shall include such information that the Secretary of State and the coordinator deems necessary and appropriate. Said budget shall be submitted not later than September 1 of each year. The State Election Coordinator may challenge any item of an entire budget to the State Election Commission. The State Election Commission shall determine the outcome of any challenge so raised and their decision shall be final and conclusive."

The state election commission shall certify to the Secretary of State on forms prescribed by the Secretary of State, the total amount needed to be appropriated, subject to the approval of the Secretary of State, and the Secretary of State shall include the same in the budget request of the Department of State.

For the purpose of administration, including fiscal and personnel operation, the state election commission and the county election commissions shall be attached to the Department of State.

The county election commission shall have the authority to employ such personnel as may be necessary, set the salary or salaries of said personnel, subject to the rates and limits set forth in this Act, the request such expenditures as may be necessary, within the appropriation for this purpose.

"(b) All other expenses, including compensation of any additional personnel hired for the express purpose of holding the election and election officials, incurred by the county election commission in conducting municipal elections shall be paid out of the funds of the municipality to the general fund of the county upon certification of the expenses by the chair person and secretary of the county election commission except as otherwise expressly provided. If a municipal election is held on the same day as a county-wide election, the municipality shall pay only the expenses caused by the municipal election which would not otherwise be incurred."

"(c) All expenses, including compensation of any additional personnel hired for the express purpose of holding an election, and election day officials, uncertified registrars-at-large and

employees hired under 2-12-201 TCA, incurred by the county election commission or its members in performance of their duties under this title shall be paid out of the funds of the county upon certification of the expenses by the chairperson and secretary of the county election commission except as otherwise expressly provided. Each county election commission shall submit to the legislative body of the county, with a copy to the Coordinator of Elections, an annual budget which shall include all reasonably foreseeable expenses. Each election commission shall submit an annual budget in the same form and manner as any other department of county government.

Each county shall appropriate such funds as are necessary for the county election commission to at least minimally perform its statutory duties under this title. All purchases shall be subject to local purchasing procedures and laws.

"(d) All expenses incurred, including compensation of any additional personnel hired for the express purpose of holding the election, incurred by the county election commission in conducting incorporation elections shall be paid by the new municipality if the majority of the votes are for incorporation. At the time the petition calling for the election on the question of incorporation is filed, the petitioners shall also secure and file with the county election commission a bond in a sum sufficient to cover all the expenses incurred in conducting the election. In the event the majority of the voters are against incorporation, the expenses of the election shall be paid from the proceeds of the bond."

SECTION 3. Tennessee Code Annotated, Section 2-12-201, is amended by adding the following:

"Any registrar who has received certification under the provisions of Section 2-11-202(18)(b), shall be paid a base minimum yearly salary as hereinafter set forth:

Counties of the 1st class	\$39,000.00
Counties of the 2nd class	\$34,000.00
Counties of the 3rd class	\$24,000.00
Counties of the 4th class	\$20,000.00
Counties of the 5th class	\$16,000.00
Counties of the 6th class	\$12,000.00
Counties of the 7th & 8th class	\$ 8,000.00

After receiving certification, a certified registrar shall receive the same increase granted all other state employees. Any registrar who has not received certification under the provisions of Section 2-11-202(18)(b), shall be paid the salary rate set by the county election commission which is in effect as of June 30, 1986, and shall thereafter receive the same increase granted all other county employees but in no event shall the salary exceed the following:

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Counties of the 1st class	\$25,000.00
Counties of the 2nd class	\$22,000.00
Counties of the 3rd class	\$18,000.00
Counties of the 4th class	\$14,000.00
Counties of the 5th class	\$12,000.00
Counties of the 6th class	\$ 8,000.00
Counties of the 7th & 8th class	\$ 4,000.00"

For the purposes of this Act, the classification of a county shall be that set forth in Section 8-24-101, TCA. In the event a certified registrar dies, retires, or is terminated, the state will continue to pay the new registrar at the rate of eighty percent (80%) of the former registrar's salary for six (6) months. If after the end of six (6) months the new registrar is not certified, the new registrar shall shift to the county for payroll and other purposes.

SECTION 4. Tennessee Code Annotated, Section 2-2-108, is amended by deleting the existing section in its entirety and substituting in lieu thereof the following:

"Each commission shall have an office in the courthouse or another public building and such other locations as the commission may designate for registering voters and performing other functions required or authorized by law. The main office shall be open at least from nine a.m. (9:00 a.m.) until four p.m. (4:00 p.m.) on such day or days each week as the commission directs, provided however; in counties which have a registrar certified under Section 2-11-202(18)(b), the commission office shall be open not less than four (4) days per week. The main office shall be open for four (4) consecutive Saturdays preceding the date for close of registration prior to any election set by statute; provided, however, that should any of these Saturdays conflict with a holiday weekend when all county offices are closed, this requirement shall not apply for that Saturday only if the county election commission gives notice of the closure by advertisement in a local newspaper of general circulation throughout the county."

SECTION 5. Tennessee Code Annotated, Section 2-11-202(18)(b), is amended by adding the following:

"A registrar who has recieved certification shall forfeit said certification in the event they fail to attend and participate in the training seminars provided for in Section 2-11-202(18), provided however; if in the opinion of the state election commission a registrar cannot attend for good cause, the certification shall not be affected."

SECTION 6. As of the effective date of this Act, the Registrar-at-Large and all other commission employees hired under Section 2-12-201, TCA in counties where the registrar at large is certified shall be deemed state employees eligible for the same benefits as all other

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state employees of the Department of State under the same terms and conditions as all other state employees of the Department of State unless excluded under the provisions of Section 8-35-113, T.C.A. Election day officials shall not be considered state employees for the purposes of this section.

SECTION 7. Section 2-2-137(a)(2), T.C.A. is amended by deleting the existing sentence and substituting the following:

"The coordinator of elections shall prescribe a general software public domain program at no cost to the county. Any county which automates its voter registration records after the effective date of this Act shall be required to utilize such program."

SECTION 8. For the purpose of implementation of this Act, the budget request for fiscal year 1986-87 shall be filed pursuant to Section 2 of this act not later than September 1, 1985.

SECTION 9. Section 11 of the Act shall take effect upon law, the public welfare requiring it. All other sections shall take effect July 1, 1986.

AMENDMENT NO 1. TO AMENDMENT NO. 7

Amend House Bill No. 860 by adding the amendatory language at the end of Section 6 to read.

Election Day officials and Commissioner of elections shall not be considered state employees for the purposes of this section.

AMENDMENT NO. 2 TO AMENDMENT NO. 7

Amend House Bill No. 860 by Amendment number seven to Senate Bill 958 is amended by striking from Section 3 the figure "39,000.00" and substituting instead the figure "30,000.00" and by striking the figure "34,000.00" and substituting instead the figure "26,000.00"

SENATE AMENDMENT NO. 9

Amend House Bill No. 860 by adding a new section immediately before the effective date section, as follows:

SECTION ____. In counties which have a full time deputy registrar, the Increase in compensation provided for by this act for registrars shall be divided with sixty percent (60%) of such amount going to the registrar and forty percent (40%) of such amount going to the deputy registrar. This provision shall only apply to counties contained within the twenty-fifth senatorial district.

SENATE AMENDMENT NO. 10

Amend House Bill No. 860 by adding a new section immediately before the effective date section, as follows:

SECTION ____ . If a deputy registrar is a full time employee and becomes certified as provided by law, such deputy registrar shall receive a salary increase equal to seventy-five percent (75%) of the increase in compensation for registrars provided for by this act. This provision shall only apply to counties contained within the twenty-fifth senatorial district.

SENATE AMENDMENT NO. 11

Amend House Bill No. 860 by deleting in Section 1, all language following the figure (\$2,000) and substituting in lieu thereof the words "for fiscal year 1985-1986."

Mr. Burnett moved that the House concur in Senate Amendments Nos. 7, as amended, 9, 10 and 11.

Mr. Bragg moved that the motion be tabled, which motion failed by the following vote:

Ayes	44
Noes	46
Present and not voting	2

Representatives voting aye were: Bewley, Bragg, Brewer, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Curlee, Davidson, Davis (Knox), Duer, Gafford, Gaia, Garrett, Harrill, Hassell, Hawkins, Henry, Hurley, Jared, Kent, Lawson, McAfee, McNally, Montgomery, Moody, Nance, Napier, Rhinehart, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--44.

Representatives voting no were: Bell, Bivens, Buck, Burnett, Cobb, Collier, Crain, Cross, Darnell, Davis (Cocke), Davis (Gibson), Dills, Drew, Ellis, Gill, Hillis, Hobbs, Huskey, Ivy, King, Kisber, Love, May, McCroskey, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Peroulas, Phillips, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, B. (Hamilton), Ussery, West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--46.

Representatives present and not voting were: Kernell and Turner, L. (Shelby)--2.

Mr. Copeland requested a division of the question on the Senate Amendments as follows: Division 1 - Senate Amendment No. 7; and Division 2 - Senate Amendments Nos. 9, 10, and 11.

Mr. Burnett moved that action on House Bill No. 860 be placed at

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the heel of Unfinished Business, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 84--Relative to public higher education--By Jones.

Mr. Jones moved that House Resolution No. 84 be withdrawn from the House, which motion prevailed.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1130--To amend Chapter 776, Private Acts, 1947.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1130 by inserting a new section immediately preceding Section 5 and renumbering the sections accordingly:

Section . Chapter 776 of the Private Acts of 1947, as amended, is further amended by adding to Section 6 the following new language:

From and after the effective date of this act (House Bill 1130/Senate Bill 1111), all monies derived from the tax levied hereunder shall be used solely to pay the bonds and interest thereon which were issued by the city of Knoxville to finance the basketball arena of the University of Tennessee. Upon the retirement of the bonds and the payment of all debt service of such bonds, the provisions of Chapter 776 of the Private Acts of 1947 and all acts amendatory thereto shall cease to be effective.

Mr. Miller moved that the House non-concur in Senate Amendment No. 1, which motion prevailed.

House Bill No. 1136--To make certain provisions, inmate classification.

On motion, House Bill No. 1136 was made to conform with Senate Bill No. 1116.

On motion, Senate Bill No. 1116, on same subject, was substituted for House Bill No. 1136.

Mr. Henry moved that Senate Bill No. 1116 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1116 by deleting from the third sentence of

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subsection (a) the figures "41-21-117 (i)" and substituting instead the figures "41-21-227 (i)".

On motion, the amendment was adopted.

Mr. Ellis moved the previous question, which motion prevailed by the following vote:

Ayes	68
Noes	24
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Henry, Hillis, Hobbs, Huskey, Ivy, Jared, Kernell, King, Kisber, Love, McAfee, McCroskey, McNally, Miller, Moody, Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Stallings, Starnes, Swann, Tankersley, Tanner, Ussery, Webb, West, Wheeler, Whitson, Winningham, Wood and Work--68.

Representatives voting no were: Bivens, Cross, Davis (Knox), Dills, Drew, Hassell, Hawkins, Hurley, Kent, Lawson, May, Montgomery, Moore (Shelby), Peroulas, Severance, Shirley, Stafford, Turner, B. (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Williams, Wix, Wolfe and Yelton--24.

Representative present and not voting was: Mr. Speaker McWherter--1.

Thereupon, Senate Bill No. 1116, as amended, passed its third and final consideration by the following vote:

Ayes	67
Noes	27

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Curlee, Darnell, Davis (Cocke), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Gill, Harrill, Hawkins, Henry, Hillis, Hurley, Huskey, Jones, Kernell, King, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Phillips, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Stallings, Starnes, Swann, Tankersley, Tanner, Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wood, Work and Mr. Speaker McWherter --67.

Representatives voting no were: Byrd, Covington, Crain, Cross, Davidson, Davis (Gibson), Davis (Knox), Dills, Gafford, Hassell, Hobbs, Ivy, Jared, Kent, Lawson, Moore (Shelby), Nance, Napier,

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Peroulas, Ridgeway, Severance, Shirley, Stafford, Turner, C. (Shelby), Wix, Wolfe and Yelton--27.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 85--Relative to congratulating Mr. and Mrs. Jerry Lee Duckett--By Shirley.

House Joint Resolution No. 426--Relative to congratulating John Claybrooks, Jr.--By Love, Garrett, Ellis and Mr. Speaker McWherter.

House Joint Resolution No. 427--Relative to congratulating Fifteenth Avenue Baptist Church--By Love.

House Joint Resolution No. 428--Relative to honoring St. Cecilia congregation--By Murphy and Love.

House Joint Resolution No. 429--Relative to congratulating Chanda Jeffers--By Winningham.

House Resolution No. 86--Relative to commending Payla Brown Saylor--By Hillis.

House Resolution No. 87--Relative to congratulating Eddie K. Whitlow--By Wolfe.

House Resolution No. 88--Relative to congratulating McKenzie College--By McAfee, Copeland, Robinson (Hamilton), Turner (Hamilton), Wood and Starnes.

House Resolution No. 89--Relative to congratulating Mrs. Rose Carolyn New--By Brewer.

House Resolution No. 90--Relative to congratulating Herb Davis--By Davis (Gibson).

House Resolution No. 91--Relative to memory, Dorsey Garner--By Robinson (Hamilton), Starnes, Copeland, Turner (Hamilton), Wood and McAfee.

House Joint Resolution No. 430--Relative to commending Kingston Springs Homecoming '86 Committee--By Darnell.

House Resolution No. 92--Relative to honoring Mrs. Leon C. Balch--By Turner (Hamilton).

House Resolution No. 93--Relative to congratulating Martha Elizabeth "Marty" Browning--By Starnes, Turner (Hamilton), McAfee, Wood, Copeland, and Robinson (Hamilton).

House Resolution No. 94--Relative to congratulating The Forester

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Sisters--By Turner (Hamilton).

House Resolution No. 95--Relative to congratulating attendees, The Sunday School Hour--By Peroulas, Miller, Scruggs, Severance and Davis (Knox).

House Joint Resolution No. 431--Relative to congratulating Knoxville Fire Department--By Peroulas, Miller, Scruggs, Drew and Severance.

Mr. Love moved that House Resolutions Nos. 85, 86, 87, 88, 89, 90, 91, 92, 93, 94 and 95, and House Joint Resolutions Nos. 426, 427, 428, 429, 430 and 431 be adopted, which motion prevailed.

A motion to reconsider was tabled.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 191--Relative to commending Dr. Ray Sullivan Nicks;

Senate Joint Resolution No. 192--Relative to commending Joe M. Rodgers;

Senate Joint Resolution No. 193--Relative to congratulating Mitsuko Igarashi;

Senate Joint Resolution No. 194--Relative to memory, Mrs. J. O. Patterson;

Senate Joint Resolution No. 195--Relative to honoring John Hay Elementary School;

Senate Joint Resolution No. 196--Relative to honoring Darlene Walker Schlicher;

Senate Joint Resolution No. 197--Relative to honoring Jean Callis;

Senate Joint Resolution No. 198--Relative to honoring Union Planters Bank;

Senate Joint Resolution No. 199--Relative to appreciation, Wilma Waterman;

Senate Joint Resolution No. 200--Relative to appreciation, James A. Massey;

Senate Joint Resolution No. 201--Relative to congratulating Dr.

Charles R. Moffett;

On motion of Mr. Love, the House concurred in Senate Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200 and 201.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

289--To enact "Child Support Enforcement Act"; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 289--To enact "Child Support Enforcement Act".

SENATE AMENDMENT NO. 3

Amend House Bill No. 289 by deleting the words "by giving all such cases priority over all other cases" and the words "not related to child support" from Section 2.

AND FURTHER AMEND by adding the following language after the existing language in Section 5: "Unless the court specifically orders otherwise, any order which provides for the support of two or more persons shall be deemed prorated in equal shares among such persons.

AND FURTHER AMEND by deleting the word "immediately" in the third sentence of Section 10 and by adding the following language at the end of the third sentence: "in accordance with Section 36-5-101(a)(4)."

AND FURTHER AMEND by deleting in its entirety the existing language in Section 13, paragraphs (a), (b), and (c) of the part designated as Section 36-5-402, by substituting instead the following, and by renumbering subsequent sections accordingly:

(a) Hearings in all child support cases shall be heard within a reasonable period of time, not to exceed 30 days after service of process in each county in the state. In addition to providing for such hearings in all support cases, all actions to establish or enforce support obligations in cases brought pursuant to Title IV-D of the Social Security Act shall be

completed from the time of filing to the time of disposition within the following time frames: (1) 90% in 3 months, (2) 98% in 6 months, and (3) 100% in 12 months.

(b) By October 1 of each year, the presiding judge of each judicial district, after conferring with the other judges and chancellors of his judicial district, shall recommend to the chief justice and the executive secretary of the supreme court whether all support cases can be heard in the district by the judges and chancellors within the time frame specified in paragraph (a) or whether the appointment of one or more referees to hear support cases would be required. Such recommendations shall include such information as may be required by the chief justice, the executive secretary, and the judicial council in order to determine whether or not there is a need for referees and if so, how many. In lieu of requesting a referee to serve a particular county or counties, the presiding judge may, with the agreement of all judges having child support jurisdiction in a particular county or counties, enter into agreements with juvenile courts to set, enforce, and modify support orders as provided in this part. In the event such an agreement is entered into, the juvenile court shall have jurisdiction over all support cases in such county, except as may otherwise be provided in the agreement, any contrary provision of law notwithstanding.

(c) Each request for the appointment of referees shall be forwarded to the judicial council by the executive secretary. The council, as its regular meeting, shall review all such requests and determine whether one or more referees would be required in the requesting district to comply with the provisions of paragraph (a). If the council finds that referees are required in one or more districts, the council shall certify the need for referees to the executive secretary. Such certification shall specify the number of referees approved, whether such referees would be full or part time and which county or counties within the district the referee would serve. If the council finds that referees are not required in one or more districts, the council shall certify this fact to the executive secretary with the reasons for its findings.

(d) Upon receipt of a certification of need for referees in one or more districts, the executive secretary and chief justice with the concurrence of the presiding judge, shall appoint one or more referees to serve each such district in accordance with the provisions of the certification. Referees so appointed shall serve at the pleasure of the appointing authority and shall receive compensation in an amount determined by the executive secretary.

(e) If a judicial district does not recommend the need for referees or if the judicial council does not approve such recommendation, the executive secretary and the presiding judges

of such districts shall provide such information to the commissioner of the department of human services as may be required by the secretary of health and human services for the granting of a waiver in accordance with the provisions of the federal child support enforcement amendments of 1984 (P.L. 98-378), or subsequent federal legislation, and the regulations promulgated pursuant thereto. In the event the secretary does not grant a waiver for one or more judicial districts, or in the event a waiver is revoked, the executive secretary and chief justice shall proceed to appoint a referee in accordance with paragraph (d) or take such other action as may be required to comply with federal law.

(f) In counties having a metropolitan form of government, all references in paragraph (a) through (e) to the presiding judge shall be deemed to be references to the trial court judge who hears more than 50% of the child support and domestic relations cases in such judicial district.

AND FURTHER AMEND by deleting the words "at the same time" in the fourth line of paragraph (g) of the part of Section 14 designated as Section 36-5-501 and by substituting instead the words "within 10 days of the date".

AND FURTHER AMEND by inserting the following language between the words "The assignment" and "is binding" in the first line of paragraph (g) of the part of Section 14 designated as Section 36-5-501: "or any subsequent modification".

AND FURTHER AMEND by inserting the following language between the words "first-come-first-serve" basis" and "and must honor" in the seventh line of paragraph (i) of the part of Section 14 designated as Section 36-5-501: "giving first priority to all orders for amounts due for current support due a child, second to all orders for amounts due for arrearages due a child, third to all orders for amounts due for current support due a spouse, and fourth to all orders for amounts due for arrearages due a spouse".

AND FURTHER AMEND by adding the following language at the end of paragraph (i) in the part of Section 14 designated as Section 36-5-501: "And, if amounts are included which represent withholdings for more than one pay period, so long as the amounts representing each pay period are separately identified."

AND FURTHER AMEND by inserting the following language between the words "first-come-first-served" basis" and "and must honor all" in the third line of the fourth starred paragraph of the "Advance Notice of Income Assignment" sent to the obligor provided for in paragraph (a) of the part of Section 14 designated as Section 36-5-502: "giving first priority to all orders for amounts due for current support due a child, second to all orders for amounts due for arrearages due a child, third to all orders for amounts due for current support due a

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spouse, and fourth to all orders for amounts due for arrearages due a spouse".

AND FURTHER AMEND by deleting the following paragraph in the "Notice and Order for Income Assignment Determination" sent to the employer contained in paragraph (c) of the part of Section 14 designated as 36-5-502:

If there is more than one order for withholding for child support payments against the income of _____, you must comply on a "first-come-first-served" basis and must honor all withholdings for child support payments to the extent that the total amount withheld does not exceed 50% of the net wages after withholding taxes and FICA are deducted.

and by substituting instead the following:

The total amount specified above is prorated as follows: (a) the amount due for current support of a child or children is \$ _____; (b) the amount due for arrearages due for a child or children is \$ _____; (c) the amount due for current support due for a spouse is \$ _____; (d) the amount due for arrearages due a spouse is \$ _____. If there is more than one order for withholding for support payments against the income of the above individual, you must comply on a "first-come-first-serve" basis giving first priority to all orders for amounts due for current support due a child, second to all orders for amounts due for arrearages due a child, third to all orders for amounts due for current support due a spouse, and fourth to all orders for amounts due for arrearages due a spouse and must honor all withholdings for support payments to the extent that the total amount withheld does not exceed 50% of the net wages after withholding taxes and FICA are deducted.

AND FURTHER AMEND by inserting the words "return receipt requested" between the words "certified mail" and "on the _____ day of _____, 19__." in the certificate of service portion of the "Notice and Order for Income Assignment Determination" contained in paragraph (c) of the part of Section 14 designated as Section 36-5-502.

AND FURTHER AMEND by inserting a new paragraph (b) to read as follows in the part of Section 14 designated as Section 36-5-503 and by renumbering subsequent paragraphs accordingly:

(b) Each parent or other individual having custody of a child who is receiving support payments under an income assignment order shall notify the clerk at such time as any of the following occur:

- (1) a child for whom support is being paid dies;
- (2) a child for whom support is being paid marries;

(3) a child for whom support is being paid reaches his/her 18th birthday if the child is not in high school on that date; or

(4) a child for whom support is being paid graduates from high school (or the class of which the child is a member graduates if the child does not graduate with the class) if the child is 18 prior to the date he/she graduates.

AND FURTHER AMEND by adding the following language to the paragraph originally designated as (c) of the part of Section 14 designated as 36-5-503:

Upon receipt of a notice from the custodial parent or individual in accordance with paragraph (b), the clerk shall determine whether the income assignment order includes support for any other child or children and whether there are any accumulated arrearages due which have not been satisfied. If there are no other children and no arrearages, the clerk shall notify the employer, person, corporation, or institution withholding support that the income assignment is terminated. If there are other children and/or accumulated arrearages, the clerk shall send a new notice to the employer, person, corporation, or institution specifying the correct amount to be withheld as a result of the change in circumstances.

AND FURTHER AMEND by adding a new paragraph to the part of Section 14 designated as 36-5-503 to read as follows:

(f) In addition to the foregoing provisions, an obligor may file a motion with the court for a termination of income withholding at such time as all arrearages are paid in full and the obligor has remained continuously current in the payment of the support obligation for a period of 12 months. In determining whether to grant a motion pursuant to this paragraph, the court shall consider whether the obligor's failure to comply with the order which resulted in the income withholding order was due to the intentional fault of the obligor, whether the obligor had a prior history of failure to pay the ordered support when due, and whether the obligor demonstrates the ability and willingness to fully comply with the support order in the future, in addition to such other factors as the court may deem relevant. If the court grants a motion under this paragraph and the obligor subsequently fails to pay due to intentional fault of the obligor, any subsequent income withholding orders shall not be terminated pursuant to this paragraph but shall be dischargeable only in accordance with the provisions of paragraphs (a) through (e).

AND FURTHER AMEND by adding a new section (f) to the "Motion to Terminate Income Assignment" contained in paragraph (a) of the part of Section 14 designated as Section 36-5-504 to read as follows: "(f) all arrearages are paid and I have been continuously current in the payment of my support obligation for a period of 12 months."

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AND FURTHER AMEND by adding a new paragraph D to read as follows to the "Order and Notice of Termination of Income Assignment" contained in paragraph (b) of the part of Section 14 designated as Section 36-5-504:

D. The child support obligation of _____ to _____ has not ceased however due to the obligor's payment of all arrearages and remaining continuously current in payment of the support obligation for a period of 12 months the income withholding shall be terminated. The employer, person, corporation, or institution shall terminate income withholding within 14 days after receipt of this notice.

AND FURTHER AMEND by adding the following language after the words which reads: "identify the portion of the single payment which is attributable to each individual" in "Notice and Order for Income Assignment Determination" contained in paragraph (c) of the part of Section 14 designated as Section 36-5-502:

and, if amounts are included which represent withholdings for more than one pay period, so long as the amounts representing each pay period are separately identified. If you are unable to deduct the full amount specified in this order due to the 50% limit, the payment should also specify for each obligor the individual's income after taxes and FICA are deducted and whether you have received prior orders of income assignment which prevent your fully complying with this order.

AND FURTHER AMEND by deleting from Section 22 the following: "except that the provisions of Section 13 under TCA Section 36-5-402 requiring the appointment of referees shall become effective July 1, 1986,".

AMENDMENT NO. 1 TO AMENDMENT NO. 3

*Amend Amendment No. 3 by deleting the first sentence of paragraph (d) of the amendatory paragraph designated as #4 and by substituting instead the following:

(d) Upon receipt of a certification of need for referees in one or more districts, the executive secretary shall notify the presiding judge who shall, with the concurrence of the other judges and chancellors in the district, appoint one or more referees to serve the district in accordance with the provisions of the certification.

AND FURTHER AMEND by deleting the words "and chief justice" from the second sentence of paragraph (e) of the amendatory paragraph designated as #4, and by substituting instead the words, "shall notify the presiding judge who".

SENATE AMENDMENT NO. 5

Amend House Bill No. 289 by adding a new paragraph to the part of Section 13 designated as Section 36-5-402 to be appropriately numbered to read as follows:

() In the event a judicial district has in effect on or before October 1, 1985, a system for the appointment of referees or masters to hear support cases which satisfies the requirements of the federal child support enforcement amendments of 1984 (P.L. 98-378), or subsequent federal legislation, and the regulations promulgated pursuant thereto, such district shall not be required to comply with the foregoing provisions of this part so long as such preexisting system remains in effect. Provided however, any law to the contrary notwithstanding, all referees or masters appointed pursuant to such system in Circuit or Chancery Court shall be appointed by the presiding judge, with the concurrence of the other judges and chancellors in the district and shall serve at the pleasure of the appointing authority.

SENATE AMENDMENT NO. 6

Amend House Bill No. 289 by adding the following new subsection to Section 36-5-402 of Section 13 as amended:

() In lieu of or in addition to the appointment of referees pursuant to this section, the trial judge may appoint masters as provided by law and Rule 53 of the Tennessee Rules of Civil Procedure. A master appointed pursuant to this subsection may exercise all powers and authority granted to referees by this act as well as all powers and authority granted to masters by rule or law.

AMENDMENT NO. 1 TO AMENDMENT NO. 6

Amend Amendment No. 6 as follows:

In lines delete the word "trial" and in lieu thereof add the word "presiding".

Further Amend by adding at the end of section one (1) the following language:

"but only after certification of need from the Supreme Court as is established in the law for the appointment of referees".

AMENDMENT NO. 2 TO AMENDMENT NO. 6

Amend Amendment No. 2 by adding a new section at end of Amendment No. 6 to read:

The compensation for masters shall be the same as for referees as is established by the act".

SENATE AMENDMENT NO. 8

Amend House Bill No. 289 by deleting the provisions of the following sections in their entirety:

- a) The section designated as Section 36-5-406 in Section 13;
- b) The section designated as Section 36-5-502 in Section 14;
- c) The section designated as Section 36-5-504 in Section 14;

AND by substituting the following provision in place of each of the deleted provisions:

The Department of Human Services shall have the authority by regulation to promulgate mandatory forms which shall be used pursuant to the provisions of this chapter. Such forms shall be promulgated pursuant to the rulemaking provisions of the Uniform Administrative Procedures Act and shall be approved prior to becoming effective by the Judicial Council.

SENATE AMENDMENT NO. 9

Amend House Bill No. 289 by deleting Section 36-5-402 of Section 13 as amended in its entirety and substituting instead the following:

(a) Hearings in all child support cases shall be heard within a reasonable period of time not to exceed thirty (30) days of the service of process in each county in the state. In addition to providing for such hearings in all support cases all actions to establish or enforce support obligations in cases brought pursuant to Title IV-D of the Social Security Act shall be completed from the time of filing to the time of disposition within the following time frames: (1) 90% in 3 months, (2) 98% in 6 months, and (3) 100% in 12 months.

(b) The presiding judge of each judicial district shall provide for expedited support hearings in one of the following manners:

(1)(A) The presiding judge of each judicial district, after conferring with the other judges and chancellors in his judicial district shall certify to the Supreme Court and the executive secretary thereof the number of referees, if any, needed to serve each county in the district. Such certification shall include such information as may be required by the Supreme Court and the executive secretary thereof. The Supreme Court and the executive secretary thereof shall determine the number of referees, if any, needed for each such district, and the referees shall be selected and appointed by the presiding judge and shall serve at their pleasure. Provided, however, in counties

having a metropolitan form of government the referee(s) shall be selected and appointed by and serve at the pleasure of the trial court judge who hears more than 50% of the child support and domestic relations cases in such judicial district. In determining the number of referees for each district, the Supreme Court and the executive secretary thereof shall provide for as many referees as are needed to provide hearings in all child support cases within the time schedule set out in subsection (a) of this section.

(b)(1)(B) Notwithstanding the provisions of subsection (b)(1)(A) of this section, in lieu of or in addition to the appointment of referees pursuant to such subsection, the trial judge may appoint masters as provided by law and Rule 53 of the Tennessee Rules of Civil Procedure. A master appointed pursuant to this subpart may exercise all powers and authority granted to referees by this act as well as all powers and authority granted to masters by rule or law.

(b)(1)(C) In the event a judicial district has in effect on or before October 1, 1985, a system for the appointment of referees or masters to hear support cases which satisfies the requirements of the federal child support enforcement amendments of 1984 (P.L. 98-378), or subsequent federal legislation, and the regulations promulgated pursuant thereto, such district shall not be required to comply with the foregoing provisions of this part so long as such preexisting system remains in effect. Provided however, any law to the contrary notwithstanding, all referees or masters appointed pursuant to such system in Circuit or Chancery Court shall be appointed by the presiding judge, with the concurrence of the other judges and chancellors in the district and shall serve at the pleasure of the appointing authority.

(2) In lieu of requesting a referee, the presiding judge may, with the agreement of all judges having child support jurisdiction in a particular county or counties, enter into agreements with juvenile courts to set, enforce, and modify support orders as provided in this part. In the event such an agreement is entered into, the juvenile court shall have jurisdiction over all support cases in such county, except as may otherwise be provided in the agreement, any contrary provision of law notwithstanding.

(3) If a judicial district does not recommend the need for referees or if the Supreme Court and the executive secretary thereof does not approve such recommendation, the Supreme Court, the executive secretary thereof and the presiding judges of such districts shall provide such information to the commissioner of the department of human services as may be required by the secretary of health and

human services for the granting of a waiver in accordance with the provisions of the federal child support enforcement amendments of 1984 (P.L. 98-378), or subsequent federal legislation, and the regulations promulgated pursuant thereto. In the event the secretary does not grant a waiver for one or more judicial districts, or in the event a waiver is revoked, the Supreme Court and the executive secretary thereof shall proceed to appoint a referee in accordance with subsection (b)(1)(A) of this section or take such other action as may be required to comply with federal law.

(4) The presiding judge shall prescribe which county or counties within the district that a referee will serve. All other terms and conditions of the appointment, included but not limited to, compensation to be paid and reimbursement of expenses and whether the position shall be full-time or part-time shall be prescribed by rule of the Supreme Court which is hereby granted such rule-making authority with regard to the accomplishment of the purposes of this act as it deems appropriate in the public interest.

(b) (5) If a master has been appointed pursuant to subsection (b)(1) of this section, such master shall be compensated at the same rate as referees are compensated by rule of the Supreme Court promulgated pursuant to subsection (b)(4) of this section .

(c) If by July 1, 1986, the presiding judge fails to comply with the provisions of subsection (b) of this section, the judge will be deemed to have delegated this responsibility to the Supreme Court and the executive secretary thereof, and the Supreme Court shall immediately appoint a referee to serve in accordance with this section, if necessary.

(d) The executive secretary of the Supreme Court shall have authority to enter into contracts with the Tennessee State IV-D Office of Child Support Enforcement to obtain funding for compensation for the referee, support staff and other expenses necessary to provide for the performance of duties required in this part and required in Tennessee Code Annotated, Section 36-5-501 et seq. Such contracts shall be subject to availability of funds.

(e) The provisions of subsections (a) through (e) of this section shall not apply to juvenile courts. The appointment of referees in juvenile court shall be governed by the provisions of Chapter 1 of Title 37 of Tennessee Code Annotated.

AMENDMENT NO. 1 TO AMENDMENT NO. 9

Amend Amendment No. 9 by deleting from Section 36-5-402 of Section 13 as amended the language of subpart (b) (1) (B) in its

entirety and by relettering the subsequent subparts accordingly.

FURTHER AMEND by deleting the language of subsection (b) (5) of Section 36-5-402 of Section 13 as amended in its entirety.

SENATE AMENDMENT NO. 10

Amend House Bill No. 289 by adding the following new section immediately preceding the effective date section and by renumbering such effective date section accordingly:

Section _____. If any provision of the federal law which mandates any provision of this act is declared to be unconstitutional by the Supreme Court of the United States, any such provision of this act shall cease to be effective one (1) year from the date of such Supreme Court decision.

SENATE AMENDMENT NO. 15

Amend House Bill No. 289 by deleting Section 22, such section being the effective date section, in its entirety and substituting instead the following:

SECTION 22. The provisions of this act shall take effect on October 1, 1985, the public welfare requiring it except that the referees required to be appointed by Section 36-5-402 of Section 13 shall be appointed by no later than July 1, 1986.

SENATE AMENDMENT NO. 18

AMEND House Bill No. 289 by adding a new section thereto, as follows:

SECTION _____. It is the legislative intent in enacting this measure that if the aid to families with dependent children (AFDC) caseload is reduced through the provisions of this act that staff, support, and funding for AFDC shall be reallocated accordingly. Accordingly, the department of human services is directed to submit information to the fiscal review committee and to the finance, ways, and means committees of the senate and house of representatives on a quarterly basis on child support payments recovered under this act, reductions in AFDC payments and cases, and such other information as any of the committees may request. Further, it is provided that when preparing funding recommendations for inclusion in the budget document and appropriations bill for the 1986 - 1987, and subsequent fiscal years, the commissioner of human services and the commissioner of finance and administration shall reallocate staffing levels and funding for the AFDC program to reflect any caseload reductions in such program.

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AND FURTHER AMEND by adding at the end of the effective date section the following:

Enactment of this act is dependent on the availability of federal funding for its implementation, and if, at any time, such federal funding becomes unavailable, this act is thereby rendered repealed, null and void, and of no effect.

Mr. Murphy moved that the House concur in Senate Amendments Nos. 3, as amended, 5, 6, as amended, 8, 9, as amended, 10, 15 and 18, which motion prevailed by the following vote:

Ayes	95
Noes	0
Present and not voting	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Wunningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --95.

Representative present and not voting was: Moody--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

671--"General Appropriations Bill."

The Senate repassed the following, the objections of the Governor to the contrary notwithstanding:

SECTION 12, Item 34--Increase compensation, certain Motor Vehicle Enforcement personnel;

Section 12, Item 46--Revolving loan fund pool, Shelby County Housing;

Section 12, Item 47--Firefighters' local pay supplement. A copy

of the Governor's Veto Message is attached.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Dear Governor Wilder,

I am returning Senate Bill No. 671/House Bill No. 585, which I have signed with the deletion of the items identified below in accordance with Article III, Seciton 18 of the Tennessee Constitution.

The Legislature has adopted a good budget that's generally in balance. But it is in balance only because the sales tax collections for May are better than we could have expected after relatively poor sales tax collections in February, March and April. That's good news and it helps fund all of the appropriated items from the current year surplus.

As a result, I have used my line item veto power sparingly and tried hard to respect the priorities of the General Assembly.

1. Section 12, Item 34. -- The appropriation of \$448,379 is deleted because I have vetoed Senate Bill No. 539/House Bill No. 766 which would make salaries for Motor Vehicle Enforcement officers the same as salaries for Highway Patrol personnel. The two jobs have different skills, and there is no reason their pay should be the same.

2. Section 12, Item 47. -- I have vetoed \$2 million appropriated for firefighters' local pay supplement. I have generally disapproved using state funds to pay local government employees' salaries. The police pay supplement is the one exception to this policy. It was increased this year through a dedicated revenue source, not general fund revenues. I do not think it is wise to begin a new pay supplement program for local government employees using money from the general fund that can be spent on state programs. We need the money more for pay raises for state employees, teachers and higher education personnel.

The Legislature, in addition, made the appropriation of \$4 million for guidance counselors in elementary grades subject to a determination by the Commissioner of Finance and Administration that there are sufficient funds. The Commissioner has determined that the budget is so closely in balance that it would be unwise to begin this expensive program at the present time.

Furthermore, the University of Tennessee is doing a study to determine the importance of elementary school guidance counselors and whether they are more important than other state needs which have a claim on state dollars. That study is expected to be completed in October. Since the Legislature has established the State Board of Education as its primary advisor on education policy, it would seem like a good idea to wait until the Board makes up its mind to begin this expensive new program.

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The action on these three items reduced recurring expenditures by a total of \$6.4 million.

In addition, I have eliminated two non-recurring appropriations.

3. Section 12, Item 46. -- In view of my action on Senate Bill No. 453/House Bill No. 412, the appropriation of \$2.5 million to create a revolving loan fund to make residential housing loans in Shelby County is deleted. It is not fair to provide a special fund for housing only to Shelby County when there are also housing needs for lower and moderate income families across the state. The Tennessee Housing Development Authority already is loaning money at low rates to help lower and moderate income families obtain housing.

4. Section 12, Item 54. -- The sum sufficient appropriation to require the State Group Insurance Committee to adopt criteria for the enrollment of state employees in the group insurance plan when the state employee's spouse loses insurance coverage because of death, divorce or layoff is deleted. The layoff provision will have an adverse fiscal impact on the plan, and it would be difficult to administer. The provisions dealing with death and divorce have minimal impact on the state employees' group insurance plan, and the State Group Insurance Committee can establish criteria for enrollment in a death or divorce situation.

The Legislature has taken two important steps in this budget that ought not to go unnoticed.

First, it has increased the rainy day fund from \$50 to \$75 million. That is a prudent step. The fund now represents about three percent of our entire state collected tax dollars in the general fund.

Second, the Legislature has continued to reduce the state's general obligation debt. For next year the state will borrow \$12 million new dollars, but will reduce debt by \$69 million. That means during the period of time I have been Governor, the Legislature has reduced the state's general obligation debt from \$852 to \$646 million, or twenty-four percent.

I recommend that the Legislature adopt a bill already introduced to repeal amendment 69 to the conference report. That amendment, which was conceived in case it was needed to balance the budget, would force me on July 1 to impound \$30 million of spending and after October 1 perhaps never to spend that money based upon sales tax collections. Leaving the amendment in the law would produce the unfortunate result of requiring me to impound funds that both the Legislature and I believe are needed and will be available.

Sincerely,

Lamar Alexander

FURTHER CONSIDERATION OF SENATE BILL NO. 671

Senate Bill No. 671--General Appropriations Bill.

Mr. Miller moved that the House pass Section 12, Item 47, of Senate Bill No 671, notwithstanding the objections of the Governor.

Mr. Henry questioned whether or not Mr. Miller's motion to override was in order since he was not a sponsor of the bill.

RULING OF THE SPEAKER

The Speaker ruled that under Rule No. 78 and precedence, the sponsorship to move to override applies to the sponsor of amendments to the General Appropriations when considering the Governor's line item veto of the same.

Mr. Scruggs, et al filed the following appeal to the ruling of the Chair:

MR. SPEAKER:

We challenge the Ruling of the Chair pursuant to Rule 31.

Representative Paul Scruggs

Representative J. M. Henry

Representative Bill McAfee

Representative Shirley Duer

Representative David Copeland

Mr. Speaker McWherter relinquished the Chair to Bivens, Speaker pro tem.

Mr. Naifeh moved to sustain the Ruling of the Chair.

Ms. DeBerry moved the previous question on the motion which motion failed by the following vote:

Ayes	56
Noes	38

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Garrett, Gill, Hillis, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Murphy, Murray, Naifeh, Napier, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Winningham, Wix,

Work, Yelton and Mr. Speaker McWherter--56.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Cobb, Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Ussery, Webb, Wheeler, Whitson, Williams, Wolfe and Wood--38.

Mr. Burnett moved the previous question, on the motion, which motion prevailed by the following vote:

Ayes	63
Noes	30

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, Dills, Dixon, Drew, Ellis, Gafford, Garrett, Gill, Hassell, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--63.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Harrill, Hawkins, Henry, Hurley, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Scruggs, Stafford, Swann, Tankersley, Ussery, Webb, Whitson, Williams, Wolfe and Wood--30.

Thereupon, Mr. Naifeh's motion to sustain the Ruling of the Chair prevailed by the following vote:

Ayes	62
Noes	29
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work and Yelton--62.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Harrill, Hawkins, Henry, Hurley, Huskey, May, McAfee, McCroskey, McNally,

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Montgomery, Moody, Peroulas, Scruggs, Severance, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--29.

Representative present and not voting was: Mr. Speaker McWherter--1.

Mr. Speaker McWherter resumed the Chair.

Mr. Miller renewed his motion that the House pass Section 12, Item 47, of Senate Bill No. 671, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	69
Noes	25

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Ivy, Jared, Kent, Kernell, King, Kisber, Love, May, McNally, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Ridgeway, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--69.

Representatives voting no were: Bewley, Buck, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Duer, Frensley, Harrill, Hawkins, Henry, Huskey, Lawson, McAfee, McCroskey, Montgomery, Moody, Scruggs, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--25.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 671

Senate Bill No. 671--General Appropriations Bill.

Mr. Dixon moved that the House pass Section 12, Item 46, of Senate Bill No. 671, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	67
Noes	29

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner

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(Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--67.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Harrill, Hawkins, Henry, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Scruggs, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--29.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 766

House Bill No. 766--To make certain provisions, motor vehicle division.

Mr. Burnett moved that the House pass House Bill No. 766, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	69
Noes	27

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, McAfee, Miller, Murphy, Murray, Naifeh, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--69.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Cobb, Copeland, Davis (Knox), Duer, Harrill, Hassell, Hawkins, Henry, Hurley, May, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Scruggs, Stafford, Swann, Tankersley, Webb, Williams and Wolfe--27.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 671

Senate Bill No. 671--"General Appropriations Bill".

Mr. Burnett moved that the House pass Section 12, Item 34, of Senate Bill No. 671, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	67
Noes	26
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frenslley, Gafford, Gaia, Garrett, Gill, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Lawson, Love, Miller, Montgomery, Murphy, Murray, Naifeh, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--67.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Cobb, Copeland, Davis (Knox), Duer, Harrill, Hassell, Hawkins, Henry, Hurley, May, McCroskey, McNally, Moody, Moore (Shelby), Nance, Peroulas, Scruggs, Stafford, Swann, Tankersley, Webb, Williams and Wood--26.

Representative present and not voting was: Montgomery--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

453--To establish homebuyers revolving loan fund pool.

The Senate repassed the bill, the objections of the Governor to the contrary notwithstanding.

A copy of the Governor's Veto Message is attached.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Dear Governor Wilder,

I am vetoing Senate Bill No. 453 which creates a revolving loan fund to make loans to low and moderate income persons for residential housing. Funding of the bill is subject to the Appropriations Act which as amended provides \$2.5 million for the revolving loan fund only for Shelby County (which I am also vetoing).

It is not fair to provide a special fund for housing only to Shelby County when there are also housing needs for lower and moderate income families across the state. The Tennessee Housing Development

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Authority already is loaning money at low rates to help lower and moderate income families obtain housing. The Tennessee Housing Development Authority over the past eleven (11) years has loaned \$783 million for housing needs and anticipates loaning approximately \$161 million in 1985.

Sincerely,

Lamar Alexander

FURTHER CONSIDERATION OF SENATE BILL NO. 453

Senate Bill No. 453--To establish homebuyers revolving loan fund pool.

Mr. Dixon moved that the House pass Senate Bill No. 453, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	65
Noes	30

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Drew, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Napier, Phillips, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter --65.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Davis (Knox), Duer, Frensley, Gafford, Harrill, Hawkins, Henry, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Scruggs, Stafford, Swann, Tankersley, Webb, Whitson, Wolfe and Wood--30.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

133--To make certain provisions, guidance counselors, elementary schools.

The Senate repassed the bill, the objections of the Governor to the contrary notwithstanding.

A copy of the Governor's Veto Message is attached.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Dear Governor Wilder,

I am returning Senate Bill No. 133 with my veto. The bill would provide for approximately 150 guidance counselors in elementary schools.

The primary reason for the veto is lack of money. The Legislature appropriated \$4 million this year for first year funding for the program but made the appropriations subject to a determination by the Commissioner of Finance and Administration that there are sufficient funds. The Commissioner has determined that the budget is so closely in balance that there will not be sufficient funds. It is a bad policy to begin a program without the money to pay for it.

The University of Tennessee is doing a study, at a cost of \$18,000, to determine the importance of elementary school guidance counselors and whether they are more important than other state needs which have a claim on state dollars. That study is expected to be completed in October. Since the Legislature has established the State Board of Education as its primary advisor on education policy, it would seem like a good idea to wait until the Board makes up its mind to begin this expensive new program.

Sincerely,

Lamar Alexander

FURTHER CONSIDERATION OF SENATE BILL NO. 133

Senate Bill No. 133--To make certain provisions, guidance counselors, elementary schools.

Mr. Love moved that the House pass Senate Bill No. 133, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	70
Noes	23
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Huskey, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, May, McNally, Miller, Murphy, Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson

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(Davidson), Robinson (Hamilton), Severance, Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--70.

Representatives voting no were: Bewley, Buck, Chiles, Copeland, Davis (Knox), Duer, Frensley, Harrill, Hawkins, Henry, Hurley, Lawson, McAfee, McCroskey, Moore (Sullivan), Montgomery, Moody, Scruggs, Stafford, Tankersley, Webb, Williams and Wolfe--23.

Representative present and not voting was: Swann--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

654--To establish new trial court judgeship, 12th Judicial District.

The Senate repassed the bill, the objections of the Governor to the contrary notwithstanding.

A copy of the Governor's Veto Message is attached.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Dear Governor Wilder:

I am returning Senate Bill No. 654 with my veto. The bill would start to undo what the Legislature did last year, after ten years of trying, to bring some order to the organization of the state's courts.

Last year's Judicial Restructuring Act adopted a plan for the organization of judicial districts, including creating some new judgeships where the caseload warranted. This bill adds a new trial court judgeship in the 12th Judicial Circuit. The Judicial Council does not believe the new judgeship is warranted; neither do I.

There will never be a sensible organization of our court system if the new law and the recommendations of the Judicial Council are so easily and quickly ignored.

Sincerely,

Lamar Alexander

FURTHER CONSIDERATION OF SENATE BILL No. 654

Senate Bill No. 654--To establish new trial court judgeship; 12th

Judicial District.

Mr. Murray moved that the House pass Senate Bill No. 654, notwithstanding the objections of the Governor, which motion failed by the following vote:

Ayes	46
Noes	49

Representatives voting aye were: Bell, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Dixon, Ellis, Gaia, Hillis, Hobbs, Jared, Jones, Kernell, King, Kisber, Love, Miller, Murray, Naifeh, Phillips, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--46.

Representatives voting no were: Bewley, Bivens, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Dills, Drew, Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Ivy, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Murphy, Nance, Napier, Peroulas, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--49.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

694--To regulate taxation, property used by contractor.

The Senate repassed the bill, the objections of the Governor to the contrary notwithstanding.

A copy of the Governor's Veto Message is attached.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Dear Governor Wilder,

I am returning Senate Bill No. 694 with my veto.

This bill exempts contractors from paying state sales and use taxes on construction materials used in the performance of contracts with private non-profit colleges or universities.

For example, under present law, a contractor who purchases \$1 million worth of building materials for a project at Vanderbilt University would pay \$77,500 in taxes. This bill would relieve that contractor

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from paying such a tax. There is no reason to single out one category of taxpayers for such an exemption. We need fewer loopholes in our tax law, not more.

Sincerely,

Lamar Alexander

FURTHER CONSIDERATION OF SENATE BILL NO. 694

Senate Bill No. 694--To regulate taxation, property used by contractor.

Mr. Starnes moved that the House pass Senate Bill No. 694, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	63
Noes	29

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Ellis, Frensley, Gafford, Gaia, Garrett, Harrill, Hassell, Hillis, Hobbs, Ivy, Jared, Jones, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Winningham, Wolfe, Yelton and Mr. Speaker McWherter--63.

Representatives voting no were: Bewley, Buck, Chiles, Clark (Sumner), Copeland, Davis (Cocke), Davis (Knox), Duer, Gill, Hawkins, Henry, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Peroulas, Rhinehart, Scruggs, Severance, Stafford, Swann, Webb, Williams and Wood--29.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 654

Senate Bill No. 654--To establish new trial court judgeship, 12th Judicial District.

Mr. Rhinehart moved that the House pass Senate Bill No. 654, notwithstanding the objections of the Governor, which motion failed by the following vote:

Ayes	48
Noes	45
Present and not voting	1

Representatives voting aye were: Bell, Bivens, Bragg, Brewer,

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Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Gill, Hillis, Hobbs, Jared, Kernell, King, Kisber, Love, Miller, Murray, Naifeh, Rhinehart, Ridgeway, Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--48.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Garrett, Harrill, Hassell, Hawkins, Henry, Hurley, Huskey, Ivy, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Murphy, Nance, Napier, Peroulas, Robinson (Davidson), Scruggs, Severance, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--45.

Representative present and not voting was: Robinson (Hamilton)
--1.

FURTHER CONSIDERATION OF HOUSE BILL NO. 1045

House Bill No. 1045--To regulate purchasing, Clarksville.

Mr. Darnell moved that the House pass House Bill No. 1045, notwithstanding the objections of the Governor, which motion prevailed by the following vote:

Ayes	59
Noes	30
Present and not voting	2

Representatives voting aye were: Bell, Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Kent, Kernell, King, Kisber, Love, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Stallings, Starnes, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--59.

Representatives voting no were: Bewley, Buck, Chiles, Clark (Sumner), Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Harrill, Hawkins, Henry, Hurley, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Nance, Peroulas, Scruggs, Severance, Shirley, Swann, Tankersley, Turner, C. (Shelby), Webb, Wolfe and Wood--30.

Representatives present and not voting were: Stafford and Tanner--2.

A motion to reconsider was tabled.

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Mr. Murphy moved that action on House Bill No. 53 be deferred until 1986, which motion prevailed.

FURTHER CONSIDERATION OF SENATE BILL NO. 654

Senate Bill No. 654--General Appropriations Bill.

Mr. Rhinehart moved that the House pass Senate Bill No. 654, notwithstanding the objections of the Governor.

Mr. McCroskey moved that action on Senate Bill No. 654 be deferred until the end of today's Calendar, which motion failed by the following vote:

Ayes	38
Noes	52
Present and not voting	1

Representatives voting aye were: Bivens, Clark (Davidson), Clark (Sumner), Collier, Copeland, Davis (Cocke), Davis (Knox), Drew, Duer, Gafford, Harrill, Hawkins, Henry, Hurley, Huskey, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Nance, Peroulas, Robinson (Davidson), Scruggs, Severance, Shirley, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--38.

Representatives voting no were: Bell, Bewley, Bragg, Brewer, Burnett, Byrd, Chiles, Cobb, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Dixon, Ellis, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Kent, Kernell, King, Kisber, Miller, Murphy, Murray, Naifeh, Napier, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, West, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--52.

Representative present and not voting was: Frensley--1.

Thereupon, Mr. Rhinehart's motion that the House pass Senate Bill No. 654, notwithstanding the objections of the Governor, prevailed by the following vote:

Ayes	50
Noes	43

Representatives voting aye were: Bell, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Collier, Covington, Cross, Curlee, Darnell, Davidson, DeBerry, DePriest, Dills, Dixon, Drew, Ellis, Gaia, Gill, Hassell, Hillis, Hobbs, Ivy, Jared, Kernell, King, Kisber, Miller, Murray, Naifeh, Rhinehart, Ridgeway, Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner, B. (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter--50

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Representatives voting no were: Bewley, Chiles, Clark (Sumner), Cobb, Copeland, Crain, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Frensley, Gafford, Garrett, Harrill, Hawkins, Henry, Hurley, Huskey, Kent, Lawson, May, McAfee, McCroskey, McNally, Montgomery, Moody, Moore (Shelby), Murphy, Nance, Napier, Peroulas, Robinson (Davidson), Scruggs, Severance, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Whitson, Williams, Wolfe and Wood--43.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House; House Joint Resolution No. 257, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Buck, House Joint Resolution No. 257 was withdrawn from the House.

Mr. Buck moved that the rules be suspended for the purpose of introducing House Resolution No. 83 out of order, which motion prevailed.

House Resolution No. 83--Relative to study, escheat of decedents' estates--By Buck and Murphy.

Mr. Buck moved that the rules be suspended for the immediate consideration of House Resolution No. 83, which motion prevailed.

Mr. Buck moved that House Resolution No. 83 be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 334, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Copeland, House Joint No. 334 was withdrawn from the House.

Mr. Copeland moved that the rules be suspended for the purpose of considering House Resolution No. 79 out of order, which motion prevailed.

House Resolution No. 79--Relative to creating Legislative Oversight Committee on Communications.

Mr. Copeland moved that the rules be suspended for the immediate consideration of House Resolution No. 79, which motion prevailed.

Mr. Copeland moved that House Resolution No. 79 be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murray, Naifeh, Nance, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No. 280; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WENDESDAY, JUNE 19, 1985--55th LEGISLATIVE DAY

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 426, 427, 428, 429, 430 and 431; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 280; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1130--To amend Chapter 776, Private Acts 1947.

The Senate lifted the tabling motion, reconsidered passage of the bill, reconsidered adoption of Amendment No. 1, withdrew Amendment No. 1, adopted Amendment No. 2, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1130--To amend Chapter 776, Private Acts, 1947

SENATE AMENDMENT NO. 2

AMEND House Bill No. 1130 by inserting the following new section immediately following Section 3 and by renumbering subsequent sections accordingly:

Section _____. The tax levied pursuant to Chapter 776 of the Private Acts of 1947, as amended by the provisions of this act and all other acts amendatory thereto, shall cease to be effective on January 1, 1995.

Mr. Miller moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	87
Noes	2
	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, Kisber, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

Representatives voting no were: Chiles and Moody--2.

Representative present and not voting was: Lawson--1.

A motion to reconsider was tabled.

BILL WITHDRAWN

On motion of Mr. Rhinehart, House Bill No. 1029 was withdrawn from the House.

At the request of Representative Cobb, the following statement regarding House Bill No. 846 was spread upon the Journal:

STATEMENT REGARDING

CHAPTER 465, PUBLIC ACTS OF 1985

Senate Amendment No. 18 to HB 846/SB 872 added new language to T.C.A. Section 49-5-5205 (g) dealing with evaluators for Career Level II and III teachers. It was the legislative intent that this amendment delete the existing language in the Code and substitute the language proposed by the amendment. Instead, the directory words of the amendment mistakenly added the new language rather than deleting and substituting the new language.

I request that this expression of legislative intent regarding Section 33 of Public Chapter 465 be spread upon the pages of the Journal.

Representative Steve Cobb

RECESS

On motion of Mr. Speaker McWherter, the House recessed for 10 minutes.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

A roll call was taken with the following results:

Present 87

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Sumner), Collier, Copeland, Covington, Crain, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Knox), DeBerry, DePriest, Dills, Dixon, Drew, Duer, Ellis, Frensley, Gafford, Gaia, Garrett, Gill, Harrill, Hassell, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Murphy, Murray, Naifeh, Nance, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--87.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 432--Relative to commending Dr. Charles W. Branch--By Starnes, Turner (Hamilton), Robinson (Hamilton), Wood, Copeland and McAfee.

On motion of Mr. Starnes, House Joint Resolution 432 was withdrawn from the House.

Mr. Starnes moved that the rules be suspended for the purpose of introducing House Resolution No. 96 out of order, which motion prevailed.

House Resolution No. 96--Relative to commending Dr. Charles W. Branch--By Starnes, Turner (Hamilton), Robinson (Hamilton), Wood, Copeland and McAfee.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Starnes, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of

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considering Senate Joint Resolution No. 202 out of order, which motion prevailed.

Senate Joint Resolution No. 202--Relative to designating "Buy America" month.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Naifeh, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Copeland asked to be recorded as voting "no" on Senate Joint Resolution No. 202.

Mr. Naifeh moved that the second roll call be the last order of business, which motion prevailed.

INTRODUCTION OF BILL

House Bill No. 1138--To make certain provisions, motor vehicles--By Turner, C. (Shelby).

Passed first consideration.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 80--Relative to requesting Department of Transportation to erect certain signs--By Hurley and Robinson (Davidson).

The Speaker referred House Resolution No. 80 to the Committee on Transportation.

House Resolution No. 82--Relative to racial discrimination--By Turner, L. (Shelby), Jones, DeBerry, Brewer, Dixon and Drew.

The Speaker referred House Resolution No. 82 to the Committee on General Welfare.

RESOLUTION WITHDRAWN

On motion of Mr. Jones House Resolution No. 82 was recalled from the Committee on General Welfare.

On motion of Mr. Jones, House Resolution No. 82 was withdrawn from the House.

FURTHER CONSIDERATION OF HOUSE BILL NO. 860

House Bill No. 860--To make certain provisions, elections.

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Mr. Copeland moved to withdraw his request for a Division of the Question on the Senate Amendments to House Bill No. 860, which motion prevailed.

Mr. Burnett moved that the House concur in Senate Amendments Nos. 7, as amended, 9, as amended, 10 and 11, which motion prevailed by the following vote:

Ayes	66
Noes	24

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Collier, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), DePriest, Dills, Dixon, Drew, Ellis, Frensley, Gaia, Garrett, Gill, Hassell, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Love, May, McCroskey, Miller, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Peroulas, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Work, Yelton and Mr. Speaker McWherter --66.

Representatives voting no were: Bewley, Chiles, Clark (Sumner), Copeland, Davis (Knox), Duer, Gafford, Hawkins, Henry, Lawson, McAfee, McNally, Montgomery, Moody, Rhinehart, Scruggs, Severance, Stafford, Swann, Tankersley, Turner, C. (Shelby), Webb, Wolfe and Wood--24.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

426--Relative to honoring John Claybrooks, Jr.;

427--Relative to saluting Fifteenth Avenue Baptist Church;

428--Relative to honoring St. Cecilia, 125th anniversary;

429--Relative to honoring Chanda Jeffers;

430--Relative to commending Kingston Springs Homecoming '86 committee;

431--Relative to commemorating Knoxville's Fire Department's 100th Year Celebration; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1045--To regulate purchasing, Clarksville.

The Senate repassed the bill, the objections of the governor to the contrary notwithstanding.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

766--To increase compensation, certain motor vehicle enforcement personnel.

The Senate repassed the bill, the objections of the Governor to the contrary notwithstanding.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 1114; also, Senate Joint Resolution No. 183; both for the signature of the Speaker.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 495; House Resolutions Nos. 76, 77, 78 and 81; and House Joint Resolutions Nos. 28, 235, 348, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424 and 425; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House

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Bill No. 495; House Resolutions Nos. 76, 77, 78 and 81; House Joint Resolutions Nos. 28, 235, 348, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424 and 425; Senate Joint Resolution No. 183; and Senate Bill No. 1114.

SELECT COMMITTEE APPOINTMENTS

The Speaker announced that he had appointed the following committee to notify the Senate that the House had completed its business for this session and was ready to adjourn until January 14, 1986: Representatives Jared, Chairman; Chiles, DeBerry, Hawkins, Hillis, Miller and Williams.

The Speaker announced that he had appointed the following committee to notify the Governor that the House had completed its business for this session and was ready to adjourn until January 14, 1986: Representatives Scruggs, Chairman; Burnett, Darnell, Dixon, Love, Montgomery and Ussery.

REPORTS OF SELECT COMMITTEES

Mr. Jared advised the House that the Senate had been notified that the House had completed its business for this session and was ready to adjourn until January 14, 1986.

Mr. Scruggs advised the House that the Governor had been notified that the House had completed its business for this session and was ready to adjourn until January 14, 1986, and that the Governor stated he had no further communications to transmit to the House.

Senator Cohen, Chairman; and a committee from the Senate notified the House that the Senate had completed its business for this session and was ready to adjourn until January 14, 1986.

MESSAGE FROM THE SENATE

MR SPEAKER: I am directed by the Senate to notify the House that the Senate has completed its business for the First Regular Session and is ready to adjourn until 12:00 o'clock noon on January 14, 1986.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SECOND ROLL CALL

A roll call was taken with the following results:

Present 92

Representatives present were: Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Collier, Copeland, Covington, Crain, Cross, Curlee, Darnell, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dills, Dixon, Drew, Duer, Ellis, Frenshley, Gafford, Gaia, Garrett,

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Gill, Harrill, Hawkins, Henry, Hillis, Hobbs, Hurley, Huskey, Ivy, Jared, Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, McCroskey, McNally, Miller, Montgomery, Moody, Moore (Shelby), Murphy, Murray, Naifeh, Nance, Peroulas, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tankersley, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

EXCUSED ABSENCE

The Speaker announced that Representative Phillips was excused the week of May 20-24, 1985.

**ARTICLE III, SECTION 18
CONSTITUTION OF TENNESSEE**

All bills and joint resolutions presented to the Governor subsequent to June 8, 1985, being within ten days of the adjournment of the First Regular Session of the Ninety-fourth General Assembly, which prevents the return of said bills and joint resolutions to the House within the ten-day period, and accordingly, the final action taken by the Governor will be filed by him in the Secretary of State's Office, all in compliance with Article III, Section 18 of the Constitution of the State of Tennessee, relating to the Governor's veto power.

On motion of Mr. Naifeh, the Journal of the House of Representatives and the proceedings thereof were approved from the First through the Third Day of the Organizational Session, and the First through the Fifty-fifth Day of the First Regular Session.

Thereupon, Mr. Speaker McWherter declared the First Regular Session of the House of Representatives of the Ninety-fourth General Assembly adjourned until 12:00 o'clock noon on Tuesday, January 14, 1986, in accordance with Senate Joint Resolution No. 101.

NED R. McWHERTER, Speaker
House of Representatives

ATTEST:

BRYANT MILLSAPS
Chief Clerk
House of Representatives

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**BILLS AND RESOLUTIONS ENROLLED, SIGNED AND TRANSMITTED
TO GOVERNOR SUBSEQUENT TO ADJOURNMENT**

JUNE 21, 1985

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 289, 860 and 1130; House Resolutions Nos. 79, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96; and House Joint Resolutions Nos. 426, 427, 428, 429, 430 and 431; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

JUNE 24, 1985

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 289, 860 and 1130; House Resolutions Nos. 79, 83, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95 and 96; House Joint Resolutions Nos. 426, 427, 428, 429, 430 and 431.

JUNE 25, 1985

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202; also, Senate Bills Nos. 320, 648, 763, 1115 and 1116; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

JUNE 25, 1985

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 289, 495, 860 and 1130; also, House Joint Resolutions Nos. 28, 235, 348, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

WENDESDAY, JUNE 19, 1985--55th LEGISLATIVE DAY

JUNE 25, 1985

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 289, 495, 860, and 1130; and House Joint Resolutions Nos. 28, 235, 348, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, and 431 for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

JULY 1, 1985

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 320, 648, 763, 1115 and 1116; and Senate Joint Resolutions Nos. 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202.

MESSAGES FROM GOVERNOR TO SECRETARY OF STATE

JUNE 28, 1985

MR. SECRETARY OF STATE:

I am directed by the Governor to return herewith: House Bills Nos. 289 and 1130; and House Joint Resolutions Nos. 28, 235, 280, 348, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430 and 431; with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

JULY 3, 1985

MR. SECRETARY OF STATE:

I am directed by the Governor to return herewith: House Bill No. 495, with his approval.

WILLIAM H. INMAN,
Counsel to the Governor.

JULY 5, 1985

MR. SECRETARY OF STATE:

I am directed by the Governor to return herewith: House Bill No.

860, with his veto.

WILLIAM H. INMAN,
Counsel to the Governor.

Dear Mr. Crowell,

I am returning HB 860/SB 958 with my veto.

The bill has a good aim: improving the election process. But as it wound its way through the legislative process it collected amendments that create all sorts of odd inequities among counties. Its sponsors never intended this. And, it could add nearly 200 new state employees at a cost of \$3.5 million each year. We need the money more for better schools, clean water and healthy children.

The sponsors can try again next year. If they do, I will be glad to work with them. Working together, we can draft a better bill which costs the taxpayers much less.

Here are some of the problems with the bill:

First, in counties that have a certified registrar-at-large, the bill makes the registrar and his staff state employees, gives them the same benefits as other state employees and pays them out of state funds. If every registrar-at-large were to become certified, there would be 191 new state employees at an annual cost of \$3.5 million.

Secondly, there are no guidelines for the certification process. The present law merely allows the state election coordinator and the state election commission to determine whether or not a registrar-at-large passes or fails such examination. Such a system without built-in safeguards invites criticism of the process and subjects the evaluators to intense political pressure.

Thirdly, the bill establishes a base salary for certified registrars-at-large. It might appear desirable to reward excellence by giving salary increases to certified registrars, but in some cases these increases are way too much. For instance, if the Jackson County registrar should become certified, then that registrar's salary would jump from \$1800 to at least \$12,000.

On the other hand, the bill also establishes maximum salaries for registrars-at-large who are not certified. This could cut the salary of some registrars. For instance, if the Davidson County registrar chose not to take the certification examination or was judged to have failed such exam, his/her salary would decrease from \$35,000 to \$25,000.

Finally, the bill gives a \$2,000 bounus for fiscal year 1985-86

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to all registrars-at-large, whether or not they are certified. It may be true that some registrars-at-large are underpaid. But I can't believe that all 95 registrars deserve a \$2,000 state supplement. There are five counties in which the registrar's annual salary is \$2,000 or less.

Sincerely,

Lamar Alexander